

JAMES L. JACOBS (SBN 158277)  
KATHRYN C. CURRY (SBN 157099)  
GCA LAW PARTNERS LLP  
1891 Landings Drive  
Mountain View, CA 94043  
Telephone: (650) 428-3900  
Facsimile: (650) 428-3901  
Email: jjacobs@gcalaw.com  
kcurry@gcalaw.com

Attorneys for Defendants,  
CALLVINE, INC. and EDWARD R. PRINCE  
erroneously sued herein as RUDY PRINCE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

TIMOTHY GENS,

Plaintiff,

v.

VELLO CORPORATION; CALLVINE,  
INC. and RUDY PRINCE,

Defendants.

**CASE NO. 5:10-cv-03220-PVT**

**STIPULATION AND ORDER  
EXTENDING TIME FOR DEFENDANTS  
TO FILE THEIR OPPOSITION TO  
PLAINTIFF'S MOTION FOR REMAND**

Date: September 28, 2010  
Dept.: 5, 4th Floor  
Time: 10:00 a.m.

WHEREAS, Plaintiff Timothy Gens has noticed his Motion for Remand to be heard on September 28, 2010 before this Court;

WHEREAS, a dispute exists between Plaintiff Timothy Gens, on the one hand, and Defendants Callvine, Inc. and Edward R. Prince, on the other hand, regarding whether or not Plaintiff's Motion For Remand and supporting papers were timely filed and served to permit a September 28, 2010 hearing date under the Local Rules of this Court;

WHEREAS, in order to avoid the filing by Defendants of a motion for administrative

1 relief pursuant to Civil L.R. 7-11 seeking to continue the hearing date so that Defendants have  
 2 more time to prepare and file their opposition to the Motion For Remand, Plaintiff has proposed  
 3 modifying the briefing schedule to provide Defendants with additional time to prepare and file  
 4 their opposition papers;

5 THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN TIMOTHY GENS  
 6 AND DEFENDANTS' ATTORNEYS' OF RECORD AS FOLLOWS:

7 1. If Plaintiff's Motion for Remand remains on the Court's calendar for hearing on  
 8 September 28, 2010, then Defendants Callvine, Inc. and Edward R. Prince shall have up to and  
 9 including September 10, 2010 to file their opposition to Plaintiff's Motion for Remand. By  
 10 agreeing to this stipulation, Defendants are not waiving any objections whatsoever (whether  
 11 procedural or substantive) that they may have to the Motion for Remand.

12 2. Plaintiff's reply brief shall be filed no later than September 14, 2010.

13 3. The requested time modification will not affect any other dates presently  
 14 scheduled for this case, and neither party has previously sought any modification to the briefing  
 15 schedule on Plaintiff's Motion for Remand.

16 DATED: September 2, 2010

17  
 18 By: /s/ Timothy H. Gens  
 19 Plaintiff, Timothy H. Gens  
 In Pro Per

20 DATED: September 2, 2010

GCA LAW PARTNERS LLP

21  
 22 By: /s/ James L. Jacobs  
 23 James L. Jacobs  
 Kathryn C. Curry  
 24 Attorneys for Defendant  
 CALLVINE, INC. and EDWARD R.  
 25 PRINCE

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**ORDER**

IT IS SO ORDERED. Defendants Callvine, Inc. and Edward R. Prince shall have up to and including September 10, 2010 to file their opposition to Plaintiff's Motion for Remand. Plaintiff's reply brief shall be filed no later than September 14, 2010.

Date: 9/3/10

  
Magistrate Patricia V. Trumbull